

FILED
UNITED STATES DISTRICT COURT
ALBUQUERQUE, NEW MEXICO

SEP 13 2022

MITCHELL R. ELFERS
CLERK

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA,

Plaintiff,

vs.

RICKY EDDIE MARTINEZ, JR.,

Defendant.

CRIMINAL NO. 22-1520 JB

Counts 1, 3, and 5: 18 U.S.C. § 1951:
Interference with Commerce by Robbery;

Counts 2 and 4: 18 U.S.C.
§ 924(c)(1)(A)(ii): Using, Carrying, and
Brandishing a Firearm During and in
Relation to a Crime of Violence, and
Possessing and Brandishing a Firearm in
Furtherance of Such Crime;

Count 6: 18 U.S.C. § 924(c)(1)(A)(iii):
Using and Carrying a Firearm During and
in Relation to a Crime of Violence, and
Possessing a Firearm in Furtherance of
Such Crime; Discharging Said Firearm;

Count 7: 18 U.S.C. § 1951: Interference
with Commerce by Attempted Robbery;

Count 8: 18 U.S.C. §§ 922(g)(1) and 924:
Felon in Possession of a Firearm and
Ammunition.

INDICTMENT

The Grand Jury charges:

Count 1

On or about August 9, 2022, in Rio Arriba County, in the District of New Mexico, the defendant, **RICKY EDDIE MARTINEZ, JR.**, unlawfully obstructed, delayed, and affected commerce, and the movement of articles and commodities in such commerce, by robbery, in that the defendant unlawfully took and obtained personal property consisting of United States

currency, from the presence of Jane Doe 1, then employed by Dandy Burger, against Jane Doe 1's will by means of actual and threatened force, violence, and fear of injury, that is, the defendant threatened her with a firearm.

In violation of 18 U.S.C. § 1951.

Count 2

On or about August 9, 2022, in Rio Arriba County, in the District of New Mexico, the defendant, **RICKY EDDIE MARTINEZ, JR.**, knowingly used, carried, and brandished a firearm, during and in relation to a crime of violence for which the defendant may be prosecuted in a court of the United States, specifically, interference with commerce by robbery as charged in Count 1 of this indictment, and in furtherance of such crime, possessed and brandished said firearm.

In violation of 18 U.S.C. § 924(c)(1)(A)(ii).

Count 3

On or about August 10, 2022, in Rio Arriba County, in the District of New Mexico, the defendant, **RICKY EDDIE MARTINEZ, JR.**, unlawfully obstructed, delayed, and affected commerce, and the movement of articles and commodities in such commerce, by robbery, in that the defendant unlawfully took and obtained personal property consisting of United States currency, from the presence of John Doe 1, then employed by Shell, against John Doe 1's will by means of actual and threatened force, violence, and fear of injury, that is, the defendant threatened him with a firearm.

In violation of 18 U.S.C. § 1951.

Count 4

On or about August 10, 2022, in Rio Arriba County, in the District of New Mexico, the defendant, **RICKY EDDIE MARTINEZ, JR.**, knowingly used, carried, and brandished a firearm, during and in relation to a crime of violence for which the defendant may be prosecuted in a court of the United States, specifically, interference with commerce by robbery as charged in Count 3 of this indictment, and in furtherance of such crime, possessed and brandished said firearm.

In violation of 18 U.S.C. § 924(c)(1)(A)(ii).

Count 5

On or about August 11, 2022, in Rio Arriba County, in the District of New Mexico, the defendant, **RICKY EDDIE MARTINEZ, JR.**, unlawfully obstructed, delayed, and affected commerce, and the movement of articles and commodities in such commerce, by robbery, in that the defendant unlawfully took and obtained personal property consisting of United States currency, from the presence of Jane Doe 2, then employed by Walgreens, against Jane Doe 2's will by means of actual and threatened force, violence, and fear of injury, that is, the defendant discharged a firearm at her.

In violation of 18 U.S.C. § 1951.

Count 6

On or about August 11, 2022, in Rio Arriba County, in the District of New Mexico, the defendant, **RICKY EDDIE MARTINEZ, JR.**, knowingly used and carried a firearm, during and in relation to a crime of violence for which the defendant may be prosecuted in a court of the United States, specifically, interference with commerce by robbery as charged in Count 5 of this

indictment, and possessed said firearm in furtherance of such crime, and the firearm was discharged.

In violation of 18 U.S.C. § 924(c)(1)(A)(iii).

Count 7

On or about August 16, 2022, in Rio Arriba County, in the District of New Mexico, the defendant, **RICKY EDDIE MARTINEZ, JR.**, attempted to unlawfully obstruct, delay, and affect, commerce, and the movement of articles and commodities in such commerce, by robbery, in that the defendant attempted to unlawfully take and obtain personal property consisting of United States currency, from the presence of John Doe 2 and John Doe 3, then employed by Blake's Lotaburger, against John Doe 2's and John Doe 3's will by means of actual and threatened force, violence, and fear of injury, that is, the defendant shot John Doe 2 and pistol whipped John Doe 3.

In violation of 18 U.S.C. § 1951.

Count 8

Between on or about August 9, 2022, and on or about August 16, 2022, in Rio Arriba County, in the District of New Mexico, the defendant, **RICKY EDDIE MARTINEZ, JR.**, knowing that he had been convicted of at least one crime punishable by imprisonment for a term exceeding one year, specifically:

- (1) shooting at or from a motor vehicle, and
- (2) assault resulting in serious bodily injury,

knowingly possessed a firearm and ammunition, specifically a Rossi, Model 88, .38 caliber revolver, bearing serial number W359107 and .38 caliber ammunition, in and affecting commerce.

In violation of 18 U.S.C. §§ 922(g)(1) and 924.

FORFEITURE ALLEGATION

Upon conviction of any offense in violation of 18 U.S.C. §§ 922(g) or 924(c), the defendant, **RICKY EDDIE MARTINEZ, JR.**, shall forfeit to the United States, pursuant to 18 U.S.C. § 924(d) and 28 U.S.C. § 2461(c), any firearms and ammunition involved in the commission of the offense(s), including, but not limited to:

- a. a Rossi, Model 88, .38 caliber revolver, bearing serial number W359107; and
- b. 7 rounds of .38 caliber ammunition.

A TRUE BILL:


Assistant United States Attorney

/s/
FOREPERSON OF THE GRAND JURY